

REMARKS

The Office Action dated January 10, 2008, has been carefully considered. Claims 1 and 91-104 are pending in the present application. Claims 102-104 have been withdrawn. Claim 1 has been amended to more particularly point out a certain embodiment of the present invention. Support for the amendment can be found in the originally-filed specification at, for example, page 6, lines 28-29, and figure 11. No new matter has been introduced.

Applicant thanks Examiner Matthews for the courtesy extended during the telephone interview on March 21, 2008 (the “interview”) with Applicant’s representatives Linda B. Azrin and Michael Dallal concerning pending claim 1 and cited reference U.S. Patent No. 6,488,701 to Nolting *et al.* (“Nolting”) and then-pending claims 102-104. In response to the Interview Summary dated April 7, 2008, the substance of the interview is incorporated into this response.

Entry of the amendments and reconsideration of the present application are respectfully requested.

I. RESTRICTION

The Examiner alleges that claims 102-104 are directed to an invention that is independent or distinct from the invention originally claimed. Although Applicant disagrees, claims 102-104 have been withdrawn from consideration. Applicant reserves the right to pursue the subject matter of the withdrawn claims in one or more related applications.

II. CLAIM REJECTION UNDER 35 U.S.C. § 102(e)

Claims 1, 91-92, 94-96, and 98-101 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,488,701 to Nolting *et al.* This rejection is respectfully traversed.

As amended, independent claim 1 recites “[a]n expandable intraluminal stent for implantation in a blood vessel comprising a main body portion having a metal surface wherein the surface has a first end portion, a second end portion and a middle portion; a flow passage defined therethrough; and a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion, wherein the biocompatible coating comprises a polymer or a drug, and wherein the middle portion surface is free of any biocompatible material when the stent is implanted.” Claims 91-92, 94-96 and 98-101 depend from claim 1 and, therefore, include all the recitations of claim 1.

As discussed in the interview, Nolting does not disclose or suggest an expandable intraluminal stent comprising a main body portion having a metal surface wherein the surface has a first end portion and a middle portion and a biocompatible coating directly on at least the first end portion of the metal surface and the middle portion of the surface is free of any biocompatible material when the stent is implanted, as recited in claim 1.

Nolting discloses a stent-graft assembly comprising a stent having at least one support member wherein “the stent-graft includes an ultra-thin membrane or covering which is attached to the coating” (col. 5, lines 37-38). In fact, Nolting teaches that the thin membrane 64 defines a vascular surface (col. 9, line 66 to col. 10, line 4; see fig. 8 (partial progressive cut-away)). The Examiner acknowledges that this membrane is present in the middle region (see, e.g., present Office Action, page 3, and Office Action dated July 25, 2008, page 3). By teaching that the thin membrane 64 is present in the middle portion of the stent, Nolting teaches away from a middle portion of the surface that is free of any biocompatible material when the stent is implanted.

Thus, Nolting does not disclose “a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion and wherein the middle portion of the surface is free of any biocompatible material when the stent is implanted,” as recited in the present claims.

Thus, for at least the above reasons, it is believed that claim 1 and the claims depending therefrom are patentable over Nolting. Accordingly, withdrawal of this rejection and allowance of claims 1, 91-92, 94-96 and 98-101 are respectfully requested.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

A. Claim 93 Is Patentable Over Nolting in View of U.S. Patent No. 6,620,194 to Ding *et al.*

Claim 93 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of U.S. Patent No. 6,620,194 to Ding *et al.* (“Ding”). This rejection is respectfully traversed.

Claim 93 depends from claim 1 and therefore includes all the recitations of claim 1. As discussed above and in the interview, Nolting does not teach or suggest an expandable intraluminal stent comprising, *inter alia*, a biocompatible coating directly on at least the first end portion of the metal surface wherein the middle portion of the surface is free of any biocompatible material when the stent is implanted, as recited in claim 1. Ding does not remedy the deficiencies of Nolting.

Therefore, since Nolting in view of Ding does not teach or suggest each and every element of claim 93, Applicant requests that the rejection of claim 93 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of Ding be withdrawn.

B. Claim 97 Is Patentable Over Nolting in View of View of U.S. Publication No. 2004/0106985 to Jang

Claim 97 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of U.S. Publication No. 2004/0106985 to Jang (“Jang”). This rejection is respectfully traversed.

Claim 97 depends from claim 1 and therefore includes all the recitations of claim 1. As discussed above and in the interview, Nolting does not teach or suggest an expandable intraluminal stent comprising, *inter alia*, a biocompatible coating directly on at least the first end portion of the metal surface wherein the middle portion of the surface is free of any biocompatible material when the stent is implanted, as recited in claim 1. Jang does not remedy the deficiencies of Nolting.

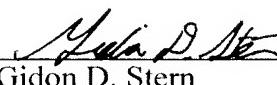
Therefore, since Nolting in view of Jang does not teach or suggest each and every element of claim 97, the Applicant requests that the rejection of claim 97 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of Jang be withdrawn.

IV. CONCLUSION

In light of the above amendments and remarks, it is believed that the claim rejections have been overcome and that the pending claims and new claims are in condition for allowance. Should the Examiner not agree with Applicant’s position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

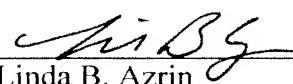
Respectfully submitted,

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Enclosures